

**THE MINUTES OF THE BOARD OF EQUALIZATION HELD**  
**MONDAY, JANUARY 25, 2016 AT 5:30 P.M.**

The Board of Equalization met at 5:30 p.m. in the City Council Chambers of the City-County Building in Lincoln, Nebraska as required by law. Present: Jon Camp, Carl Eskridge, Trent Fellers, Leirion Gaylor Baird, Cyndi Lamm, Jane Raybould; Absent: Roy Christensen.

Council Chair Fellers announced that a copy of the Open Meetings Law is posted at the back of the Chamber by the northwest door. He asked all present to stand and recite the Pledge of Allegiance and observe a moment of silent meditation.

**ELECTION OF CHAIRPERSON**

ESKRIDGE        Nominated Trent Fellers as Chair.  
                      Seconded by Raybould & carried by the following vote: AYES: Camp, Eskridge, Fellers, Gaylor Baird, Lamm, Raybould; NAYS: None; Absent: Christensen.

FELLERS         Took the Chair and proceeded with the reading of the procedures to be followed for public hearing on matters presented to the Board, with a brief explanation of the procedures.

**PUBLIC HEARING**

WATER DISTRICT 1206 - H STREET, FROM 26<sup>TH</sup> STREET TO 27<sup>TH</sup> STREET - Thomas Shafer, Public Works & Utilities, came forward and stated 1206 Water District was created 5/05/14 at the request of the property owner, Sun Sanders, with an estimated cost of \$123,000.00. Design was done by City Staff while Alfred Benesch was responsible for engineering management and construction phase services. Construction was done by General Excavation with construction beginning on 2/23/15 and completed on 4/13/15. The project was located in 'H' Street from 26<sup>th</sup> Street to 27<sup>th</sup> Street.

                      This matter was taken under advisement.

WATER DISTRICT 1207 - GOODHUE BOULEVARD, FROM A STREET TO B STREET - Thomas Shafer, Public Works & Utilities, came forward and stated 1207 Water District was created 8/04/14 at the request of the property owner, Ormand Plautz, with an estimated cost of \$133,700.00. Design was done by City Staff while Mainelli Wagner & Associates were responsible for engineering management and construction phase service. Construction was done by Neuvirth with construction beginning on 4/08/15 and completed on 7/01/15. The project was located in Goodhue from 'A' Street to 'B' Street.

                      This matter was taken under advisement.

PAVING DISTRICT 2632 - 1<sup>ST</sup> STREET LYING BETWEEN APPROXIMATELY 30 FT. SOUTH OF THE SOUTH LINE OF P STREET AND APPROXIMATELY 30 FT. NORTH OF THE NORTH LINE OF Q STREET, AND ALSO Q STREET LYING BETWEEN THE WEST LINE OF 1<sup>ST</sup> STREET AND THE WEST LINE OF 2<sup>ND</sup> STREET - Thomas Shafer, Public Works & Utilities, came forward and stated 2632 Paving District was created 4/29/13 at the request of property owner, People's City Mission, and ordered constructed by City Council with an estimated cost of \$688,000.00, Engineering management services of both design and construction were done by Schemmer Associates, Inc. It was constructed by HR Bookstrom Construction with construction work beginning on 9/24/14 and completed on 6/26/15. The project was located in 1<sup>st</sup> Street from 'P' to 'Q' Streets.

                      Shirley Whitney, Shirley's Towing, 140 West P Street, came forward and stated she feels they should not be required to pay for something that was not needed or wanted. Discussion followed.

                      This matter was taken under advisement.

**VOTING SESSION**

WATER DISTRICT 1206 - H STREET, FROM 26<sup>TH</sup> STREET TO 27<sup>TH</sup> STREET -  
GAYLOR BAIRD    Moved for approval:

                      Seconded by Camp & carried by the following vote: AYES: Camp, Eskridge, Fellers, Gaylor Baird, Lamm, Raybould; NAYS: None; ABSENT: Christensen.

WATER DISTRICT 1207 - GOODHUE BOULEVARD, FROM A STREET TO B STREET -  
ESKRIDGE        Moved for approval:

                      Seconded by Raybould & carried by the following vote: AYES: Camp, Eskridge, Fellers, Gaylor Baird, Lamm, Raybould; NAYS: None; ABSENT: Christensen.

PAVING DISTRICT 2632 - 1<sup>ST</sup> STREET LYING BETWEEN APPROXIMATELY 30 FT. SOUTH OF THE SOUTH LINE OF P STREET AND APPROXIMATELY 30 FT. NORTH OF THE NORTH LINE OF Q STREET, AND ALSO Q STREET LYING BETWEEN THE WEST LINE OF 1<sup>ST</sup> STREET AND THE WEST LINE OF 2<sup>ND</sup> STREET -

ESKRIDGE        Moved for approval:  
                      Seconded by Gaylor Baird & carried by the following vote: AYES: Camp, Eskridge, Fellers, Gaylor Baird, Lamm, Raybould; NAYS: None; ABSENT: Christensen.

**ADJOURNMENT**

**5:50 P.M.**

CAMP            Moved to adjourn sine die the Board of Equalization Meeting.  
                      Seconded by Raybould & carried by the following vote; AYES: Camp, Eskridge, Fellers, Gaylor Baird, Lamm, Raybould; NAYS: None; ABSENT: Christensen.

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Teresa Meier, City Clerk

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Rhonda Bice, Office Specialist

**THE MINUTES OF THE CITY COUNCIL MEETING HELD  
MONDAY, JANUARY 25, 2016 AT 5:30 P.M.**

The Meeting was called to order at 5:30 p.m. Present: Council Chair Fellers; Council Members: Camp, Eskridge, Gaylor Baird, Lamm, Raybould; City Clerk: Teresa Meier; Absent: Christensen.

Council Chair Fellers announced that a copy of the Open Meetings Law is posted at the back of the Chamber by the northwest door. He asked all present to stand and recite the Pledge of Allegiance and observe a moment of silent meditation.

**READING OF THE MINUTES**

CAMP Having been appointed to read the minutes of the City Council proceedings of January 11, 2016, reported having done so, found same correct.

Seconded by Eskridge & carried by the following vote; AYES: Camp, Christensen, Eskridge, Fellers, Gaylor Baird, Lamm, Raybould; NAYS: None.

**PUBLIC HEARING**

APPOINTING MELISSA MARSH TO THE VETERANS MEMORIAL GARDEN ADVISORY COUNCIL FOR A TERM EXPIRING NOVEMBER 1, 2017 - Melissa Marsh, no address given, came forward to ask for approval. Discussion followed.

This matter was taken under advisement.

APPROVING A CONTRACT BETWEEN THE CITY OF LINCOLN AND DELL MARKETING, L.P. FOR COMPUTER EQUIPMENT (DESKTOPS, LAPTOPS, TABLETS, SERVERS AND STORAGE), INCLUDING RELATED PERIPHERALS & SERVICES, PURSUANT TO MINNESOTA NASPO VALUEPOINT MASTER AGREEMENT MNWNC-108, FOR A TERM OF JANUARY 1, 2016 THROUGH MARCH 31, 2017 IN THE AMOUNT OF \$60,000.00 - Bob Walla, Interim Purchasing Agent, came forward and stated this is for the purchase of Dell computers and equipment. Discussion followed.

This matter was taken under advisement.

MANAGER APPLICATION OF DEAN F. RASMUSSEN FOR PRAIRIE LIFE FITNESS, LLC DBA PRAIRIE LIFE FITNESS AT 1305 SOUTH 70<sup>TH</sup> STREET AND 330 WEST P STREET - Dean Rasmussen, 1305 South 70<sup>th</sup> Street, came forward to take the oath and request approval. Discussion followed.

This matter was taken under advisement.

APPROVING KELLI'S, LLC DBA KELLI'S PUB AS A KENO SATELLITE SITE AT 1318 NORTH 66<sup>TH</sup> STREET - Chris Kodad, 10922 Bel Air Drive, Omaha, came forward to ask for approval.

This matter was taken under advisement.

PRE-EXISTING USE PERMIT 3AF - APPLICATION OF STARWOOD RETAIL PARTNERS TO AUTHORIZE EXPANSION OF GATEWAY MALL BY APPROXIMATELY 70,000 SQUARE FEET WITH WAIVERS TO THE ZONING ORDINANCE TO REDUCE THE PARKING REQUIREMENT AND TO INCREASE THE BUILDING HEIGHT ON PROPERTY GENERALLY LOCATED AT 6100 O STREET - Nate Burnett, Starwood Retail Partners, 5 Gateway Mall, came forward requesting approval for a 70,000 square foot addition and to increase current build height to 65 feet.

Jon Camp, Council Member, inquired about the height difference and the amount of variance on this property.

Mr. Burnet stated there is a 23 foot difference between Sears the lowest point and JC Pennys the highest point. Discussion followed.

Leirion Gaylor Baird, Council Member, asked if JC Pennys would be the tallest building on this property.

Mr. Burnett stated they are asking for 65 feet from the ground up on the mall property. Currently JC Penny is the tallest building at 59 feet from ground up and are asking that this be increased to 65 feet. Discussion followed.

Dave Cary, Planning Dept., came forward and stated that the height will not affect anything in the surrounding area. Discussion followed.

This matter was taken under advisement.

APPROVING THE APPOINTMENT OF RANDALL JONES AS THE DIRECTOR OF AGING PARTNERS EFFECTIVE JANUARY 26, 2016 - Randall Jones, Interim Aging Partners Director, came forward and requested approval. Discussion followed.

Carl Eskridge, Council Member, asked how many counties he would be working with.

Mr. Jones stated 8 counties in Nebraska. Discussion followed.

This matter was taken under advisement.

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CHANGE OF ZONE 15030 - APPLICATION OF DAN DALLMAN FOR A CHANGE OF ZONE FROM R-4 RESIDENTIAL DISTRICT TO B-3 COMMERCIAL DISTRICT ON PROPERTY GENERALLY LOCATED AT 711 AND 725 SOUTH STREET. (RELATED ITEMS: 16-1, 16R-7);  
APPROVING A DEVELOPMENT AND CONDITIONAL ZONING AGREEMENT BETWEEN THE CITY OF LINCOLN AND DANNIEL L. DALLMAN, TRUSTEE OF THE DANNIEL L. DALLMAN REVOCABLE TRUST AND REBECCA L. DALLMAN, TRUSTEE OF THE REBECCA L. DALLMAN REVOCABLE TRUST TO RESTRICT USE OF THE PROPERTY UNDER THE PROPOSED CHANGE OF ZONE NO. 15030 ON PROPERTY GENERALLY LOCATED AT 711 AND 725 SOUTH STREET. (RELATED ITEMS: 16-1, 16R-7) (ACTION DATE: 2/1/16) - Gus Ponstingl, MAPCO, Inc., no address given, came forward on behalf of Dallman Revocable Trust to answer questions and stated that the Planning Dept. has approved this project.  
Jane Raybould, Council Member, inquired if the alley would be paved.  
Mr. Ponstingl stated paving the alley is a condition of the agreement. Discussion followed.  
Leirion Gaylor Baird, Council Member, inquired if there would be fencing.  
Mr. Ponstingl stated there would be fence around property and landscape on three sides.  
Ms. Gaylor Baird asked for Dave Cary to come forward to answer why change to B-3 and what is around this area.  
Dave Cary, Planning Dept., came forward and stated this change of zone allows for a buffer between residential and the industrial area, this is something that they like to see. Discussion followed.  
Ms. Raybould asked how they will resolve some of the drainage issues.  
Mr. Cary stated the improvements on the site are being designed to convey the water better than what is out there today. Discussion followed.

This matter was taken under advisement.

CHANGE OF ZONE 15038 - APPLICATION OF IBEW LOCAL UNION #265 FOR A CHANGE OF ZONE FROM H-3 HIGHWAY COMMERCIAL DISTRICT TO O-3 OFFICE PARK DISTRICT ON PROPERTY GENERALLY LOCATED AT 6200 SOUTH 14TH STREET. (RELATED ITEMS: 16-2, 16R-8);  
USE PERMIT 15015 - APPLICATION OF IBEW LOCAL UNION #265 FOR A USE PERMIT TO ALLOW FOR THE CONSTRUCTION OF A NEW 8,400 SQUARE FOOT BUILDING FOR A MEETING HALL AND OFFICES, WITH A WAIVER TO SETBACKS, ON PROPERTY GENERALLY LOCATED AT 6200 SOUTH 14<sup>TH</sup> STREET. (RELATED ITEMS: 16-2, 16R-8) (ACTION DATE: 2/1/16) - John Markey, IBEW Local 265, 6508 Leighton Ave., came forward and stated they plan on building a new meeting hall and office space, the old building will be used entirely as the training center. Discussion followed.  
This matter was taken under advisement.

## **COUNCIL ACTION**

### **REPORTS OF CITY OFFICERS**

APPOINTING MELISSA MARSH TO THE VETERANS MEMORIAL GARDEN ADVISORY COUNCIL FOR A TERM EXPIRING NOVEMBER 1, 2017 - CLERK read the following resolution, introduced by Leirion Gaylor Baird, who moved its adoption:

A-89452

BE IT RESOLVED by the City Council of the City of Lincoln, Nebraska:

That the appointment of Melissa Marsh to the Veterans Memorial Garden Advisory Council, for a term expiring November 1, 2017, is hereby approved.

Introduced by Leirion Gaylor Baird

Seconded by Eskridge & carried by the following vote: AYES: Camp, Eskridge, Fellers, Gaylor Baird, Lamm, Raybould; NAYS: None; ABSENT: Christensen.

APPROVING A MULTI-YEAR CONTRACT BETWEEN THE CITY OF LINCOLN ON BEHALF OF THE LINCOLN-LANCASTER COUNTY HEALTH DEPARTMENT AND THE CENTER FOR PUBLIC HEALTH PRACTICE AT OHIO STATE UNIVERSITY TO USE AN ON-LINE TRAINING RESOURCE FOR BASIC PUBLIC HEALTH CLASSES FOR THE TERM OF DECEMBER 20, 2015 THROUGH NOVEMBER 28, 2017 - CLERK read the following resolution, introduced by Leirion Gaylor Baird, who moved its adoption:

A-89453

BE IT RESOLVED by the City Council of the City of Lincoln, Nebraska:

That the attached Agreement between the City of Lincoln, on behalf of the Lincoln-Lancaster County Health Department (LLCHD), and the Center for Public Health Practice in the College of Public Health at Ohio State University (CPHP), to use an on-line training resource for basic public health classes for the term of December 20, 2015 through November 28, 2017, upon the terms and conditions set forth in said Agreement, which is attached hereto marked as Attachment "A", is hereby approved and the Mayor is authorized to execute the same on behalf of the City of Lincoln.

The City Clerk is directed to forward one fully executed original of said Agreement to Judy Halstead, Lincoln-Lancaster County Health Department Director, for transmittal to the Center for Public Health in the College of Public Health at Ohio State University.

Introduced by Leirion Gaylor Baird

Seconded by Eskridge & carried by the following vote: AYES: Camp, Eskridge, Fellers, Gaylor Baird, Lamm, Raybould; NAYS: None; ABSENT: Christensen.

APPROVING A CONTRACT BETWEEN THE CITY OF LINCOLN AND OPTICS PLANET, INC. FOR THE ANNUAL SUPPLY OF HI-VIS PARKAS, PURSUANT TO QUOTE NO. 5221, FOR A FOUR YEAR TERM - CLERK read the following resolution, introduced by Leirion Gaylor Baird, who moved its adoption:

A-89454 BE IT RESOLVED by the City Council of the City of Lincoln, Nebraska:

That the Contract between the City of Lincoln and Optics Planet, Inc. for the annual supply of Hi-Vis Parkas, pursuant to Quote No. 5221, for a four-year term, upon the terms and condition as set forth in said Contract, is hereby approved and the Mayor is authorized to execute the same on behalf of the City of Lincoln.

Introduced by Leirion Gaylor Baird

Seconded by Eskridge & carried by the following vote: AYES: Camp, Eskridge, Fellers, Gaylor Baird, Lamm, Raybould; NAYS: None; ABSENT: Christensen.

APPROVING A CONTRACT BETWEEN THE CITY OF LINCOLN AND DELL MARKETING, L.P. FOR COMPUTER EQUIPMENT (DESKTOPS, LAPTOPS, TABLETS, SERVERS AND STORAGE), INCLUDING RELATED PERIPHERALS & SERVICES, PURSUANT TO MINNESOTA NASPO VALUEPOINT MASTER AGREEMENT MNWNC-108, FOR A TERM OF JANUARY 1, 2016 THROUGH MARCH 31, 2017 IN THE AMOUNT OF \$60,000.00 - CLERK read the following resolution, introduced by Leirion Gaylor Baird, who moved its adoption:

A-89455 BE IT RESOLVED by the City Council of the City of Lincoln, Nebraska:

That the attached Contract between the City of Lincoln and Dell Marketing, L.P. for Computer Equipment (Desktops, Laptops, Tablets, Servers and Storage), including Related Peripherals & Services, pursuant to Minnesota NASPO ValuePoint Master Agreement MNWNC-108, for a term of January 1, 2016 through March 31, 2017 in the amount of \$60,000.00, upon the terms as set forth in said Contract, is hereby approved and the Mayor is authorized to execute the same on behalf of the City of Lincoln.

Introduced by Leirion Gaylor Baird

Seconded by Eskridge & carried by the following vote: AYES: Camp, Eskridge, Fellers, Gaylor Baird, Lamm, Raybould; NAYS: None; ABSENT: Christensen.

CLERK'S LETTER AND MAYOR'S APPROVAL OF RESOLUTION AND ORDINANCES PASSED BY CITY COUNCIL ON JANUARY 11, 2016 - CLERK presented said report which was placed on file in the Office of the City Clerk. (27-1)

### **PETITIONS & COMMUNICATIONS**

SETTING THE HEARING DATE OF MONDAY, FEBRUARY 1, 2016 AT 3:00 P.M. ON THE APPLICATION OF BRICKWAY LLC DBA INGLENOK FOR A CLASS C LIQUOR LICENSE AT 728 Q STREET, SUITE B - CLERK read the following resolution, introduced by Jon Camp, who moved its adoption:

A-89456 BE IT RESOLVED by the City Council, of the City of Lincoln, that a hearing date is hereby set for Monday, February 1, 2016, at 3:00 p.m. or as soon thereafter as possible in the City Council Chambers, County-City Building, 555 S. 10th St., Lincoln, NE for the Application of Brickway LLC dba Inglenook for a Class C Liquor License at 728 Q Street, Suite B.

If the Police Dept. is unable to complete the investigation by said time, a new hearing date will be set.

Introduced by Jon Camp

Seconded by Raybould & carried by the following vote: AYES: Camp, Eskridge, Fellers, Gaylor Baird, Lamm, Raybould; NAYS: None; ABSENT: Christensen.

SETTING THE HEARING DATE OF MONDAY, FEBRUARY 1, 2016 AT 3:00 P.M. ON THE APPLICATION OF BOILER BREWING COMPANY LLC DBA BOILER BREWING COMPANY FOR A CLASS L LIQUOR LICENSE AT 129 NORTH 10<sup>TH</sup> STREET, SUITE 8 - CLERK read the following resolution, introduced by Jon Camp, who moved its adoption:

A-89457 BE IT RESOLVED by the City Council, of the City of Lincoln, that a hearing date is hereby set for Monday, February 1, 2016, at 3:00 p.m. or as soon thereafter as possible in the City Council Chambers, County-City Building, 555 S. 10th St., Lincoln, NE for the Application of Boiler Brewing Company LLC dba Boiler Brewing Company for a Class L Liquor License at 129 N. 10<sup>th</sup> Street, Suite 8.

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If the Police Dept. is unable to complete the investigation by said time, a new hearing date will be set.

Introduced by Jon Camp

Seconded by Raybould & carried by the following vote: AYES: Camp, Eskridge, Fellers, Gaylor Baird, Lamm, Raybould; NAYS: None; ABSENT: Christensen.

SETTING THE HEARING DATE OF MONDAY, FEBRUARY 8, 2016 AT 3:00 P.M. ON THE MANAGER APPLICATION OF MICHELLE COBB FOR KINSETH HOTEL CORPORATION DBA RESIDENCE INN AT 5865 BOBOLI LANE - CLERK read the following resolution, introduced by Jon Camp, who moved its adoption:

A-89458 BE IT RESOLVED by the City Council, of the City of Lincoln, that a hearing date is hereby set for Monday, February 8, 2016, at 3:00 p.m. or as soon thereafter as possible in the City Council Chambers, County-City Building, 555 S. 10th St., Lincoln, NE for the Manager Application of Michelle Cobb for Kinseth Hotel Corporation dba Residence Inn at 5865 Boboli Lane.

If the Police Dept. is unable to complete the investigation by said time, a new hearing date will be set.

Introduced by Jon Camp

Seconded by Raybould & carried by the following vote: AYES: Camp, Eskridge, Fellers, Gaylor Baird, Lamm, Raybould; NAYS: None; ABSENT: Christensen.

SETTING THE HEARING DATE OF MONDAY, FEBRUARY 8, 2016 AT 3:00 P.M. ON THE MANAGER APPLICATION OF MIRANDA R. LIES FOR KINSETH HOTEL CORPORATION DBA HAMPTON INN AT 7343 HUSKER CIRCLE - CLERK read the following resolution, introduced by Jon Camp, who moved its adoption:

A-89459 BE IT RESOLVED by the City Council, of the City of Lincoln, that a hearing date is hereby set for Monday, February 8, 2016, at 3:00 p.m. or as soon thereafter as possible in the City Council Chambers, County-City Building, 555 S. 10th St., Lincoln, NE for the Manager Application of Miranda R. Lies for Kinseth Hotel Corporation dba Hampton Inn at 7343 Husker Circle.

If the Police Dept. is unable to complete the investigation by said time, a new hearing date will be set.

Introduced by Jon Camp

Seconded by Raybould & carried by the following vote: AYES: Camp, Eskridge, Fellers, Gaylor Baird, Lamm, Raybould; NAYS: None; ABSENT: Christensen.

SETTING THE HEARING DATE OF MONDAY, FEBRUARY 8, 2016 AT 3:00 P.M. ON THE MANAGER APPLICATION OF FREDRIC F. FROST FOR SAM'S WEST INC DBA SAM'S CLUB #4873 AT 8480 ANDERMATT DRIVE - CLERK read the following resolution, introduced by Jon Camp, who moved its adoption:

A-89460 BE IT RESOLVED by the City Council, of the City of Lincoln, that a hearing date is hereby set for Monday, February 8, 2016, at 3:00 p.m. or as soon thereafter as possible in the City Council Chambers, County-City Building, 555 S. 10th St., Lincoln, NE for the Manager Application of Fredric F. Frost for Sam's West Inc dba Sam's Club #4873 at 8480 Andermatt Drive.

If the Police Dept. is unable to complete the investigation by said time, a new hearing date will be set.

Introduced by Jon Camp

Seconded by Raybould & carried by the following vote: AYES: Camp, Eskridge, Fellers, Gaylor Baird, Lamm, Raybould; NAYS: None; ABSENT: Christensen.

SETTING THE HEARING DATE OF MONDAY, FEBRUARY 8, 2016 AT 3:00 P.M. ON THE MANAGER APPLICATION OF KENNETH C. IVERSON FOR RICHMOND ROLLINS LLC DBA BARRY'S BAR AT 235 NORTH 9<sup>TH</sup> STREET - CLERK read the following resolution, introduced by Jon Camp, who moved its adoption:

A-89461 BE IT RESOLVED by the City Council, of the City of Lincoln, that a hearing date is hereby set for Monday, February 8, 2016, at 3:00 p.m. or as soon thereafter as possible in the City Council Chambers, County-City Building, 555 S. 10th St., Lincoln, NE for the Manager Application of Kenneth C. Iverson for Richmond Rollins LLC dba Barry's Bar at 235 N. 9<sup>th</sup> St.

If the Police Dept. is unable to complete the investigation by said time, a new hearing date will be set.

Introduced by Jon Camp

Seconded by Raybould & carried by the following vote: AYES: Camp, Eskridge, Fellers, Gaylor Baird, Lamm, Raybould; NAYS: None; ABSENT: Christensen.

SETTING THE HEARING DATE OF MONDAY, FEBRUARY 8, 2016 AT 3:00 P.M. ON THE APPLICATION OF HOPCAT-LINCOLN LLC DBA HOPCAT FOR A CLASS C LIQUOR LICENSE AT 601 P STREET - CLERK read the following resolution, introduced by Jon Camp, who moved its adoption:

A-89462 BE IT RESOLVED by the City Council, of the City of Lincoln, that a hearing date is hereby set for Monday, February 8, 2016, at 3:00 p.m. or as soon thereafter as possible in the City Council Chambers, County-City Building, 555 S. 10th St., Lincoln, NE for the Application of Hopcat-Lincoln LLC dba Hopcat for a Class C Liquor License at 601 P Street.

If the Police Dept. is unable to complete the investigation by said time, a new hearing date will be set.

Introduced by Jon Camp

Seconded by Raybould & carried by the following vote: AYES: Camp, Eskridge, Fellers, Gaylor Baird, Lamm, Raybould; NAYS: None; ABSENT: Christensen.

**REFERRED TO THE PLANNING DEPARTMENT:**

USE PERMIT NO. 64B, REQUESTED BY KENSINGTON CORPORATION, TO ALLOW A SPECIAL PERMITTED USE FOR A NON-RESIDENTIAL HEALTHCARE FACILITY, ON PROPERTY GENERALLY LOCATED AT SOUTH 16TH STREET AND OLD CHENEY ROAD.

SPECIAL PERMIT NO. 1219M, REQUESTED BY BRYAN MEDICAL CENTER, FOR AUTHORITY TO AMEND SPECIAL PERMIT NO. 1219L TO EXPAND THE BRYAN MEDICAL CENTER EAST CAMPUS, FOR CONSTRUCTION OF A 93,286 SQUARE FOOT MEDICAL OFFICE BUILDING, PARKING, AND GREEN SPACE, AND A WAIVER TO INCREASE THE BUILDING HEIGHT OF THE DISTRICT, ON PROPERTY GENERALLY LOCATED AT SOUTH 50TH AND A STREETS.

**PLACED ON FILE IN THE OFFICE OF THE CITY CLERK:**

ADMINISTRATIVE AMENDMENT NO. 15118 TO UNIVERSITY OF NEBRASKA TECHNOLOGY PARK ADDITION, APPROVED BY THE ACTING PLANNING DIRECTOR ON JANUARY 5, 2016, REQUESTED BY UNIVERSITY OF NEBRASKA FOUNDATION, TO EXTEND THE TIME FOR TWO YEARS TO INSTALL STREET TREES AND SIDEWALKS, GENERALLY LOCATED AT INNOVATION DRIVE AND WEST HIGHLAND BOULEVARD.

ADMINISTRATIVE AMENDMENT NO. 15120 TO UNIVERSITY OF NEBRASKA TECHNOLOGY PARK 2<sup>ND</sup> ADDITION, APPROVED BY THE ACTING PLANNING DIRECTOR ON JANUARY 5, 2016, REQUESTED BY UNIVERSITY OF NEBRASKA FOUNDATION, TO EXTEND THE TIME FOR TWO YEARS TO INSTALL STREET TREES AND SIDEWALKS, GENERALLY LOCATED AT NW 1<sup>ST</sup> STREET AND TECHNOLOGY DRIVE.

ADMINISTRATIVE AMENDMENT NO. 15116 TO HIMARK ESTATES COMMUNITY UNIT PLAN, APPROVED BY THE ACTING PLANNING DIRECTOR ON JANUARY 8, 2016, REQUESTED BY THE CLARK ENERSEN PARTNERS, TO REVISE THE STREET AND LOT LAYOUT ALONG HIMARK LANE, TO ADD HIMARK COURT, TO SHOW A FUTURE STREET CONNECTION TO THE BACK OF THE GOLF COURSE, AND TO SHOW 12 ADDITIONAL LOTS, GENERALLY LOCATED AT S. 88<sup>TH</sup> STREET AND PIONEERS BOULEVARD.

ADMINISTRATIVE AMENDMENT NO. 15128 TO USE PERMIT NO. 98A, SOUTHRIDGE CROSSING, APPROVED BY THE ACTING PLANNING DIRECTOR ON JANUARY 11, 2016, REQUESTED BY RANDY HAAS, TO INCREASE THE SQUARE FOOTAGE ON LOT 5 FROM 5,000 SQUARE FEET TO 6,200 SQUARE FEET AND TO REDUCE THE SIDE YARD SETBACK FROM 20' TO 15', GENERALLY LOCATED AT S. 27<sup>TH</sup> STREET AND PINE LAKE ROAD.

ADMINISTRATIVE AMENDMENT NO. 15119 TO UNIVERSITY OF NEBRASKA TECHNOLOGY PARK 1<sup>ST</sup> ADDITION, APPROVED BY THE ACTING PLANNING DIRECTOR ON JANUARY 12, 2016, REQUESTED BY UNIVERSITY OF NEBRASKA FOUNDATION, TO EXTEND THE TIME FOR TWO YEARS TO INSTALL SIDEWALKS, GENERALLY LOCATED AT DISCOVERY DRIVE AND WEST HIGHLAND BOULEVARD.

**LIQUOR RESOLUTIONS**

MANAGER APPLICATION OF DEAN F. RASMUSSEN FOR PRAIRIE LIFE FITNESS, LLC DBA PRAIRIE LIFE FITNESS AT 1305 SOUTH 70<sup>TH</sup> STREET AND 330 WEST P STREET - CLERK read the following resolution, introduced by Jon Camp, who moved its adoption for approval:

A-89463 WHEREAS, Prairie Life Fitness, LLC dba Prairie Life Center located at 1305 South 70<sup>th</sup> Street and 330 West P Street, Lincoln, Nebraska has been approved for a Retail Class "I" liquor license, and now requests that Dean F. Rasmussen be named manager;

WHEREAS, Dean F. Rasmussen appears to be a fit and proper person to manage said business.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Lincoln, Nebraska:

That after hearing duly had as required by law, consideration of the facts of this application, the Nebraska Liquor Control Act, and the pertinent City ordinances, the City Council recommends that Dean F. Rasmussen be approved as manager of this business for said licensee.

The City Clerk is directed to transmit a copy of this resolution to the Nebraska Liquor Control Commission.

Introduced by Jon Camp

Seconded by Lamm & carried by the following vote: AYES: Camp, Eskridge, Fellers, Gaylor Baird, Lamm, Raybould; NAYS: None; ABSENT: Christensen.

PUBLIC HEARING - RESOLUTIONS

APPROVING KELLI'S, LLC DBA KELLI'S PUB AS A KENO SATELLITE SITE AT 1318 NORTH 66<sup>TH</sup> STREET - CLERK read the following resolution, introduced by Leirion Gaylor Baird, who moved its adoption:

A-89464 WHEREAS, the City of Lincoln and the County of Lancaster, Nebraska have entered into an Interlocal Agreement for the purpose of providing for a joint City-County keno lottery; and  
WHEREAS, the City has entered into a contract for the operation of a keno type lottery with EHPV Lottery Services, LLC, a Nebraska limited liability company; and  
WHEREAS, Section 5 of the Interlocal Agreement and Section 3(b) of the Keno Contract grant the City the authority to approve all satellite locations within the corporate limits of Lincoln; and  
WHEREAS, all requirements under the Interlocal Agreement and the Keno Contract governing the establishment and location of keno satellite sites have been met.  
NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Lincoln, Nebraska that a keno satellite site is hereby authorized at the location of Kelli's, LLC dba Kelli's Pub, 1318 North 66<sup>th</sup> Street, Lincoln, NE 68505.  
The City Clerk is directed to return an executed copy of this Resolution to Kelli's Pub, 1318 North 66<sup>th</sup> Street, Lincoln, NE 68505.

Introduced by Leirion Gaylor Baird

Seconded by Raybould & carried by the following vote: AYES: Camp, Eskridge, Fellers, Gaylor Baird, Lamm, Raybould; NAYS: None; ABSENT: Christensen.

ACCEPTING THE REPORT OF NEW AND PENDING CLAIMS AGAINST THE CITY AND APPROVING DISPOSITION OF CLAIMS SET FORTH FOR THE PERIOD OF DECEMBER 1-31, 2015 - CLERK read the following resolution, introduced by Leirion Gaylor Baird, who moved its adoption:

A-89465 BE IT RESOLVED by the City Council of the City of Lincoln, Nebraska:  
That the claims listed in the attached report, marked as Exhibit "A", dated January 4, 2016, of various new and pending tort claims filed against the City of Lincoln with the Office of the City Attorney or the Office of the City Clerk, as well as claims which have been disposed of, are hereby received as required by Neb. Rev. Stat. § 13-905 (Reissue 1997). The dispositions of claims by the Office of the City Attorney, as shown by the attached report, are hereby approved:

<u>DENIED CLAIMS</u>		<u>ALLOWED/SETTLED CLAIM</u>	
EZ Go Stores	NAS*	William Swearingen	\$3,000.00
Mary Jean Higgins	\$ 1.00	Bailey Stewart	2,434.24
Keo Sisavanh	2.00	Gary Kirby	593.36
T. Pucha	1.00		
Kathy Kobza	135.41	<u>WITHDRAWN CLAIM</u>	
Sheila Vlakancic	200.00	Kejjan Hesso	\$100,000.00
Amy & Caleb Alexander	202.62		
Chris Venne	423.60		

\* No Amount Specified

The City Attorney is hereby directed to mail to the various claimants listed herein a copy of this resolution which shows the final disposition of their claim.

Introduced by Leirion Gaylor Baird

Seconded by Eskridge & carried by the following vote: AYES: Camp, Eskridge, Fellers, Gaylor Baird, Lamm, Raybould; NAYS: None; ABSENT: Christensen.

PRE-EXISTING USE PERMIT 3AF - APPLICATION OF STARWOOD RETAIL PARTNERS TO AUTHORIZE EXPANSION OF GATEWAY MALL BY APPROXIMATELY 70,000 SQUARE FEET WITH WAIVERS TO THE ZONING ORDINANCE TO REDUCE THE PARKING REQUIREMENT AND TO INCREASE THE BUILDING HEIGHT ON PROPERTY GENERALLY LOCATED AT 6100 O STREET - CLERK read the following resolution, introduced by Leirion Gaylor Baird, who moved its adoption:

A-89466 WHEREAS, Starwood Retail Partners has submitted an application designated as Pre-Existing Use Permit No. 3AF to authorize expansion of Gateway Mall by approximately 70,000 square feet, with waivers to the Zoning Ordinance to reduce the parking requirement and to increase the building height, on property generally located at 6100 O Street, and legally described as:

Lots 1-5, Gateway Shopping Center Subdivision; Lots 1-3 and Outlot A, Q Place, except for the east part for the street; Lot 256 of Irregular Tracts, except that part lying northwest of a line 40 feet east of the centerline of North Cotner Boulevard and except parts in the northwest and south for the road; Lot 263 of Irregular Tracts, except 544.35 square feet in the south for the street; Lot 264 of Irregular Tracts; Lot 265 of Irregular Tracts, except 2,835.50 square feet of the south part for the road; Lot 266 of Irregular Tracts, except the



south portion of O Street right-of-way, all located in the Southwest Quarter of Section 21, Township 10 North, Range 7 East of the 6th P.M., Lincoln, Lancaster County, Nebraska;

WHEREAS, the real property adjacent to the area included within the site plan for this amendment to the pre-existing use permit will not be adversely affected; and

WHEREAS, said site plan together with the terms and conditions hereinafter set forth are consistent with the intent and purpose of Title 27 of the Lincoln Municipal Code to promote the public health, safety, and general welfare.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Lincoln, Nebraska:

That the application of Starwood Retail Partners, hereinafter referred to as "Permittee", to amend Pre-Existing Use Permit No. 3 to authorize expansion of Gateway Mall by approximately 70,000 square feet, with waivers to the Zoning Ordinance to reduce the parking requirement and to increase the building height, on the property legally described above be and the same is hereby granted upon condition that operation of said development be in substantial compliance with said application, the site plan, and the following additional express terms, conditions, and requirements:

1. This permit approves 1,177,589 square feet of gross floor area for Area A and 216,000 square feet of gross floor area for Area B with adjustments to the Zoning Ordinance to reduce parking to 1 stall per 300 square feet of floor area for all uses in Areas A-G and to increase the height of buildings and structures from 40 feet to 65 feet in Area A.
2. The Permittee shall cause to be prepared and submitted to the Planning Department a revised and reproducible final plot plan including 3 copies with all required revisions as listed below:
  - a. Add a note to the plan that states, "All terms and conditions of Pre-Existing Use Permit No. 3 shall apply unless specifically amended by this amendment."
  - b. Remove Note 9 and Note 3.
  - c. Delete the repeated text in Note 7.
  - d. Update the Sign Inventory table to accurately reflect the sign types.
  - e. Remove the text "Gateway Shopping Center Subdivision" and all zoning labels.
  - f. Label the use permit boundary.
  - g. Remove the third waiver on the site plan.
  - h. Remove the permitted gross floor area from the parking table.
  - i. Revise Note 4 to state, "... 1 space per 300 square feet of gross floor area for all uses."
  - j. Revise Note 7© to state, "The streetscape is not required in Area "A" adjacent to the 50' buffer along O Street as long as the 50' landscape buffer remains."
  - k. Add a note to the plan that states, "Signs A & B are located within the public right-of-way. They will be removed from the right-of-way if requested by the Nebraska Department of Roads or if a new center sign is requested at that location. Removing the signs will be done at no cost to the City."
  - l. Add text at the end of Note 7 that states, "The requirement to install the streetscape zone may be waived by the Planning Director at the time of building permit."
  - m. Provide documentation from the Register of Deeds that the letter of acceptance as required by the approval of the special permit has been recorded.
  - n. Revise Note 10 to the satisfaction of the Building & Safety Department.
  - o. Add a note to the plan that states, "Improvements shown on this plan are conceptual and subject to minor changes."
  - p. Verify that the numbers provided in the Parking Table on the plan are accurate.
  - q. Add a note to the plan that states, "New signs need not be shown on this site plan, but need to be in compliance with Chapter 27.69 of the Lincoln Zoning Ordinance and must be approved by the Building & Safety Department prior to installation."
3. Before occupying the buildings all development and construction is to substantially comply with the approved plans.
4. All privately-owned improvements, including landscaping and recreational facilities, are to be permanently maintained by the Permittee or an appropriately established owners association approved by the City.
5. The physical location of all setbacks and yards, buildings, parking and circulation elements, and similar matters must be in substantial compliance with the location of said items as shown on the approved site plan.
6. This resolution's terms, conditions, and requirements bind and obligate the Permittee, its successors, and assigns.
7. The Permittee shall sign and return the letter of acceptance to the City Clerk. This step should be completed within 60 days following the approval of the use permit. The City Clerk shall file a copy of the resolution approving the use permit and the letter of acceptance with the Register of Deeds, filing fees therefor to be paid in advance by the Permittee. Building permits will not be issued unless the letter of acceptance has been filed.
8. The site plan as approved with this resolution voids and supersedes all previously approved site plans, however all resolutions/ordinances approving previous permits remain in force unless specifically amended by this resolution.

Introduced by Leirion Gaylor Baird

Seconded by Eskridge & carried by the following vote: AYES: Camp, Eskridge, Fellers, Gaylor Baird, Lamm, Raybould; NAYS: None; ABSENT: Christensen.

**REGULAR MEETING  
JANUARY 25, 2016  
PAGE 394**

APPROVING THE APPOINTMENT OF RANDALL JONES AS THE DIRECTOR OF AGING PARTNERS  
EFFECTIVE JANUARY 26, 2016 - CLERK read the following resolution, introduced by Leirion Gaylor Baird, who moved its adoption:

A-89467 BE IT RESOLVED by the City Council of the City of Lincoln, Nebraska:

That the nomination by Mayor Chris Beutler with concurrence of the Lancaster County Board to appoint Randall Jones as the Director of Aging Partners effective January 26, 2016, is hereby approved.

Introduced by Leirion Gaylor Baird

Seconded by Raybould & carried by the following vote: AYES: Camp, Eskridge, Fellers, Gaylor Baird, Lamm, Raybould; NAYS: None; ABSENT: Christensen.

**ORDINANCES - 2<sup>ND</sup> READING & RELATED RESOLUTIONS (as required)**

CHANGE OF ZONE 15030 - APPLICATION OF DAN DALLMAN FOR A CHANGE OF ZONE FROM R-4 RESIDENTIAL DISTRICT TO B-3 COMMERCIAL DISTRICT ON PROPERTY GENERALLY LOCATED AT 711 AND 725 SOUTH STREET (Related Items: 16-1, 16R-7) - CLERK read an ordinance, introduced by Leirion Gaylor Baird, amending the Lincoln Zoning District Maps adopted by reference and made a part of Title 27 of the Lincoln Municipal Code, by changing the boundaries of the districts established and shown, the second time.

APPROVING A DEVELOPMENT AND CONDITIONAL ZONING AGREEMENT BETWEEN THE CITY OF LINCOLN AND DANNIEL L. DALLMAN, TRUSTEE OF THE DANNIEL L. DALLMAN REVOCABLE TRUST AND REBECCA L. DALLMAN, TRUSTEE OF THE REBECCA L. DALLMAN REVOCABLE TRUST TO RESTRICT USE OF THE PROPERTY UNDER THE PROPOSED CHANGE OF ZONE NO. 15030 ON PROPERTY GENERALLY LOCATED AT 711 AND 725 SOUTH STREET. (Related Items: 16-1, 16R-7) (Action Date: 2/1/16)

CHANGE OF ZONE 15038 - APPLICATION OF IBEW LOCAL UNION #265 FOR A CHANGE OF ZONE FROM H-3 HIGHWAY COMMERCIAL DISTRICT TO O-3 OFFICE PARK DISTRICT ON PROPERTY GENERALLY LOCATED AT 6200 SOUTH 14TH STREET (Related Items: 16-2, 16R-8) - CLERK read an ordinance, introduced by Leirion Gaylor Baird, amending the Lincoln Zoning District Maps adopted by reference and made a part of Title 27 of the Lincoln Municipal Code, pursuant to Section 27.05.020 of the Lincoln Municipal Code, by changing the boundaries of the districts established and shown, the second time.

USE PERMIT 15015 - APPLICATION OF IBEW LOCAL UNION #265 FOR A USE PERMIT TO ALLOW FOR THE CONSTRUCTION OF A NEW 8,400 SQUARE FOOT BUILDING FOR A MEETING HALL AND OFFICES, WITH A WAIVER TO SETBACKS, ON PROPERTY GENERALLY LOCATED AT 6200 SOUTH 14<sup>TH</sup> STREET. (Related Items: 16-2, 16R-8) (Action Date: 2/1/16)

**ORDINANCES - 3<sup>RD</sup> READING & RELATED RESOLUTIONS**

AMENDING CHAPTER 8.06 OF THE LINCOLN MUNICIPAL CODE, AIR POLLUTION, BY AMENDING SECTION 8.06.090, RELATING TO INSPECTIONS; HOW CONDUCTED, TO ALLOW INSPECTIONS TO BE CONDUCTED AT ANY REASONABLE TIME - Clerk read an ordinance, introduced by Carl Eskridge, amending Chapter 8.06 of the Lincoln Municipal Code relating to Air Pollution by amending Section 8.06.090 Inspections; How Conducted to allow inspections to be conducted at any reasonable time; and repealing Section 8.06.090 of the Lincoln Municipal Code as hitherto existing, the third time.

Eskridge Moved to pass the ordinance as read.

Seconded by Raybould & carried by the following vote: AYES: Camp, Eskridge, Fellers, Gaylor Baird, Lamm, Raybould; NAYS: None; ABSENT: Christensen.

The ordinance, being numbered **#20286**, is recorded in Ordinance Book #30.

AMENDING CHAPTER 20.06 OF THE LINCOLN MUNICIPAL CODE BY ADDING A NEW SECTION NUMBERED 20.06.235 TO CREATE THE BUILDING CODE TASK FORCE AND ADDING A NEW SECTION NUMBERED 20.06.037 TO CREATE THE CODE STUDY COMMITTEE - Clerk read an ordinance, introduced by Carl Eskridge, amending Chapter 20.06 of the Lincoln Municipal Code relating to the Lincoln Building Code to create an advisory task force to advise the Mayor on changes to and development of the Building Code and to provide for the appointment and terms of the task force members, by adding a new section 20.06.235 to create the Building Code Task Force; adding a new Section 20.06.237 to create the Code Study Committee to advise the Mayor on the suitability of proposed changes to code or ordinances found in Lincoln Municipal Code Chapters 19.03, 20.06, 20.10, 21.05, 23.10, 24.01, 24.05, 25.04, and 25.10, the third time.

Eskridge Moved to pass the ordinance as read.

Seconded by Raybould & carried by the following vote: AYES: Camp, Eskridge, Fellers, Gaylor Baird, Lamm, Raybould; NAYS: None; ABSENT: Christensen.

The ordinance, being numbered #20287, is recorded in Ordinance Book #30.

**RESOLUTIONS - 1<sup>ST</sup> READING**

APPROVING A CONTRACT BETWEEN THE CITY OF LINCOLN AND ASH FIRE & SAFETY CO. FOR FIRE EXTINGUISHER INSPECTION, TESTING, AND MAINTENANCE, PURSUANT TO BID NO. 15-263, FOR A FOUR-YEAR TERM. *(CONSENT)*

APPROVING A CONTRACT BETWEEN THE CITY OF LINCOLN AND LANGUAGELINE, LLC INTERPRETER SERVICES FOR ON-SITE INTERPRETERS ON AN AS-NEEDED BASIS, FOR A FOUR-YEAR TERM WITH OPTION TO RENEW FOR ONE ADDITIONAL FOUR-YEAR TERM. *(CONSENT)*

COMP. PLAN CONFORMANCE 15033 - APPROVING AN AMENDMENT TO THE ANTELOPE VALLEY REDEVELOPMENT PLAN TO ADD THE "ANTELOPE SQUARE REDEVELOPMENT PROJECT" TO INCLUDE THE REDEVELOPMENT OF A PORTION OF TWO BLOCKS INTO 24 ATTACHED, SINGLE-FAMILY, MIXED-INCOME RESIDENTIAL UNITS, ON PROPERTY GENERALLY LOCATED BETWEEN Q STREET, R STREET, NORTH 22ND STREET, AND NORTH 23RD STREET.

APPROVING APPROPRIATIONS IN THE AMOUNT OF \$159,432.00 FROM THE OPERATION OF KENO LOTTERY FUNDS FOR VARIOUS HUMAN SERVICES (ROUND 40). *(CONSENT)*

AMENDING RESOLUTION A-89384 APPROVING USE PERMIT 107E TO INCLUDE DELETION OF THE CONDITION IN RESOLUTION A-78732 APPROVING USE PERMIT 107 THAT AT LEAST 35,000 SQUARE FEET OR 50% OF THE FLOOR AREA OF EACH BUILDING BE OCCUPIED BY A SINGLE TENANT.

ACCEPTING THE REPORT OF NEW AND PENDING CLAIMS AGAINST THE CITY AND APPROVING DISPOSITION OF CLAIMS SET FORTH FOR THE PERIOD OF JANUARY 1-15, 2016.

APPROVING A CONTRACT BETWEEN THE CITY OF LINCOLN AND HEWLETT PACKARD ENTERPRISE COMPANY FOR DATA COMMUNICATIONS PRODUCTS AND SERVICES, PURSUANT TO WSCA-NASPO MASTER AGREEMENT NO. AR1464, STATE OF NEBRASKA CONTRACT NO. 14167 OC, FOR A TERM EFFECTIVE UPON THE CITY'S EXECUTION OF THIS CONTRACT THROUGH MAY 31, 2019 IN THE AMOUNT OF \$175,000.00. *(CONSENT)*

**ORDINANCES - 1ST READING & RELATED RESOLUTIONS (as required)**

CHANGE OF ZONE 15039 - APPLICATION OF JEFFERY & ELIZABETH HEERSPINK, TO DESIGNATE THE BETZ-VANANDEL HOUSES AS A LANDMARK, CHANGING THE ZONING DISTRICT FROM R-7 RESIDENTIAL TO R-7 RESIDENTIAL WITH LANDMARK OVERLAY, ON PROPERTY GENERALLY LOCATED AT 1037-1039 AND 1045 SOUTH 13TH STREET - Clerk read an ordinance, introduced by Jon Camp, an ordinance amending the City of Lincoln Zoning District Map attached to and made a part of Title 27 of the Lincoln Municipal Code by designating certain property as a Landmark, the first time.

**OPEN MICROPHONE - NONE**

**ADJOURNMENT**

**6:45 P.M.**

CAMP Moved to adjourn the City Council Meeting of January 11, 2016.

Seconded by Raybould & carried by the following vote; AYES: Camp, Eskridge, Fellers, Gaylor Baird, Lamm, Raybould; NAYS: None; ABSENT: Christensen.

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Teresa Meier, City Clerk

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Rhonda Bice, Office Specialist

